



3/25/05
Practitioner's Docket No. HDI 3.4-3

1FW/SH
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Trevor P. Ashline
Application No.: 10 /660,230 Group No.:
Filed: 2003 September 9 Examiner:
For: HEAD RESTRAINT DEVICE WITH BACK MEMBER

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD-PARTY SUBMISSION IN PUBLISHED APPLICATION
(37 C.F.R. § 1.99)

NOTE: 37 C.F.R. § 1.99(e): "A submission under this section must be filed within two months from the date of publication of the application (§ 1.215(a)) or prior to the mailing of a notice of allowance (§ 1.311), whichever is earlier. Any submission under this section not filed within this period is permitted only when the patents or publications could not have been submitted to the Office earlier, and must also be accompanied by the processing fee set forth in § 1.17(f). A submission by a member of the public to a pending published application that does not comply with the requirements of this section will be returned or discarded."

NOTE: 37 C.F.R. § 1.99(f): "A member of the public may include a self-addressed postcard with a submission to receive an acknowledgment by the Office that the submission has been received. A member of the public filing a submission under this section will not receive any communications from the Office relating to the submission other than the return of a self-addressed postcard."

NOTE: 37 C.F.R. § 1.99(f): "In the absence of a request by the Office, an applicant has no duty to, and need not, reply to a submission under this section."

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Tammi L. Taylor

Signature

Date: 3/24/2005

Tammi L. Taylor

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Third-party Submission in Published Application) [25-12]—page 1 of 3)

1. The above identified application has been published on 1/27/2005 (Date).

This submission is being made:

- ☒ within two months from the date of publication of the above application
- ☐ after two months from the date of publication of the above application and the patents and/ or publications listed below could not have been submitted to the Office earlier.
- ☐ the processing fee set forth in § 1.17(l) accompanies this submission.

NOTE: 37 C.F.R. § 1.99(b): "A submission under this section must identify the application to which it is directed by application number and include:

- (1) The fee set forth in § 1.17(p);
- (2) A list of the patents or publications submitted for consideration by the Office, including the date of publication of each patent or publication;
- (3) A copy of each listed patent or publication in written form or at least the pertinent portions; and
- (4) An English language translation of all the necessary and pertinent parts of any non-English language patent or publication in written form relied upon."

2. Attached hereto is:

NOTE: 37 C.F.R. § 1.99(d): "A submission under this section shall not include any explanation of the patents or publications, or any other information. The Office will dispose of such explanation or information if included in a submission under this section. A submission under this section is also limited to ten total patents or publications."

- ☒ A list of the patents or publications submitted for consideration by the Office, including the date of publication of each patent or publication.
- ☒ A copy of each listed patent or publication in written form
 - ☐ Except that only the pertinent portions of the only of the following listed patents and publications are being provided
- ☐ An English language translation of all the necessary and pertinent parts of any non-English language patent or publication in written form relied upon.

NOTE: 37 C.F.R. § 1.99(f): "No further submission on behalf of the member of the public will be considered, unless such submission raises new issues which could not have been earlier presented."

3. ☐ This submission is in addition to the submission which was made on _____ (Date) and is being made because it raises new issues which could not have been earlier presented.

NOTE: 37 C.F.R. § 1.99(c): "The submission under this section must be served upon the applicant in accordance with § 1.248."

NOTE: 37 C.F.R. § 1.248:

"(a) Service of papers must be on the attorney or agent of the party if there be such or on the party if there is no attorney or agent, and may be made in any of the following ways:

- (1) By delivering a copy of the paper to the person served;
- (2) By leaving a copy at the usual place of business of the person served with someone in his employment;
- (3) When the person served has no usual place of business, by leaving a copy at the persons residence, with some person of suitable age and discretion who resides there;
- (4) Transmission by first class mail. When service is by mail the date of mailing will be regarded as the date of service;
- (5) Whenever it shall be satisfactorily shown to the Commissioner that none of the above modes of obtaining or serving the paper is practicable, service may be by notice published in the Official Gazette.

(b) Papers filed in the Patent and Trademark Office which are required to be served shall contain proof of service. Proof of service may appear on or be affixed to papers filed. Proof of service shall include the date and manner of service. In the case of personal service, proof of service shall also include the name of any person served, certified by the person who made service. Proof of service may be made by:

(1) An acknowledgement of service by or on behalf of the person served or

(2) A statement signed by the attorney or agent containing the information required by this section."

4. Service of this paper and the attachments thereto have been made on the applicant and the proof of such service is attached.

5. Fees Due

☒ Fee set forth in § 1.17(p) (\$180.00) \$ 180.00
☐ Fee set forth in § 1.17(i) (\$130.00) \$

Total fee(s) due: \$

6. Payment of fees

☒ Attached is a ☒ check ☐ money order in the amount of \$ 180.00
☐ Authorization is hereby made to charge the amount of \$
☐ to Deposit Account No.
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.


☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above to Deposit Account No. 13-0610.

A duplicate of this paper is attached.

Reg. No.: 35,962

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SIGNATURE OF PRACTITIONER
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Trevor P. Ashline

Application No.: 10/660,230

Filed: 2003 September 9

For: HEAD RESTRAINT DEVICE WITH BACK MEMBER

**LIST OF THIRD PARTY SUBMISSIONS
UNDER 37 C.F.R. § 1.99(b)(2)**

U. S. PATENTS

| Patent No. | Issue Date | Publication Date |
|------------|---------------|------------------|
| 5,242,377 | Sep. 7, 1993 | Sep. 7, 1993 |
| 5,248,293 | Sep. 28, 1993 | Sep. 28, 1993 |
| 5,314,404 | May 24, 1994 | May 24, 1994 |

PUBLICATION

| TITLE | Authors | Publication Date |
|---|--|------------------|
| A New Head and Neck Support Device for Handicapped Children | R. L. Boughner, D.V.M., M.S. R. P. Hubbard, Ph.D. | Nov. 7-10, 1992 |

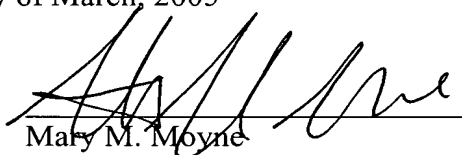


CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Third-Party Submission in Published Application (37 C.F.R. § 1.99)** for Appl. No. 10/660,230, Attorney Docket No. 118E-0077U was served upon:

MILLER, EVERMAN & BERNARD, PLLC
4701 HEDGEMORE DR., SUITE 2500
CHARLOTTE, NC 28209

by depositing same with the U.S. Mail Service, in Okemos, Michigan, first class postage prepaid, addressed to the address listed above, this 24th day of March, 2005


Mary M. Moyne